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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,278	12/18/2001	Galen Seal		5530

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03/17/2003

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EXAMINER

THOMAS, ALEXANDER S

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,278

Applicant(s)

SEAL, GALEN

Examiner

Alexander S. Thomas

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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1. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 attempts to define layers of the mat which are inconsistent with that of claim 1 upon which it depends. How can the face layer be paper (claim 2) when it is all ready defined in claim 1 as being a synthetic fiber?

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jenkins. See Figure 6, column 5, lines 14-64, column 6, lines 23-36 and column 10, lines 8-10.

4. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Stickler. See column 3, lines 24-47.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins. The reference discloses the invention substantially as claimed; see Figure 6, column 5, lines 14-64, column 6, lines 23-36 and column 10, lines 8-10. However it does not disclose the antimicrobial agent on the face layer. The reference broadly teaches applying the agent to the mat. It would have been obvious to one of ordinary skill in the

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art to apply the antimicrobial agent to any part of the prior art mat to prevent microbial activity.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stickler in view of Biewen. The primary reference discloses the invention substantially as claimed; see column 3, lines 24-47. However it does not disclose the use of an antimicrobial agent on the mat or the claimed shape of the mat. The secondary reference discloses the use of an antimicrobial agent on floor mats and also discloses the claimed shape of the floor mat. It would have been obvious to one of ordinary skill in the art to use an antimicrobial agent on the mat of the primary reference in view of the teachings of the secondary reference to render the mat sanitary. It would also have been obvious to one of ordinary skill in the art to vary the shape of the mat taught by the primary reference in view of the secondary reference wherein it is taught to use a similar mat around a toilet.

7. Claims 2 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Creamer in view of Biewen. The primary reference discloses the invention substantially as claimed; see column 2, line 19 through column 3, line 24. However it does not disclose the use of an antimicrobial agent. The secondary reference discloses the use of an antimicrobial agent on floor mats. It would have been obvious to one of ordinary skill in the art to use an antimicrobial agent on the mat of the primary reference in view of the teachings of the secondary reference to render the mat sanitary. Concerning the underlayer, any layer is considered to be non-slip and anti-curling to a degree. In any event, it would have been obvious to one of ordinary skill in the art to provide an

underlayer that is anti-slip and anti-curling to prevent someone from slipping or moving the mat out of position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander S. Thomas whose telephone number is 703-308-2421. The examiner can normally be reached on M-F 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



ALEXANDER S. THOMAS  
PRIMARY EXAMINER